

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
MATTHEW MCDERMOTT,	:	
	:	
Plaintiff,	:	
	:	22-CV-8307 (VSB)
v.	:	
	:	<u>ORDER</u>
VIP CONNECTED ENTERTAINMENT	:	
LLC,	:	
	:	
Defendant.	:	
-----X	:	

VERNON S. BRODERICK, United States District Judge:

On October 21, 2022, I received a letter addressed to my Chambers containing a request for dismissal of the complaint against Defendant VIP Connected Entertainment LLC, (“VIP Connected Entertainment”) and a purported answer. The letter requesting dismissal of the action states, among other things, that VIP Connected Entertainment has “not been served by the Plaintiff or his attorney” but rather “learned about this lawsuit from a mail advertisement from a law firm seeking to represent VIP Connected Entertainment LLC in a lawsuit filed against the company.” The summons was served on the office of the Secretary of State of New York in the City of Albany on October 14, 2022. (Doc. 8.) Under New York law, service upon a corporation may be made by delivering the summons “to an officer, director, managing or general agent, . . . cashier or assistant cashier or to any other agent authorized by appointment or by law to receive service,” including a registered agent, or secretary of state. *See* N.Y. C.P.L.R. § 311(a)(1); N.Y. Bus. Corp. Law § 306(b)(1). The document labeled as the Defendant’s answer cannot be considered an answer in this action as corporations cannot appear *pro se* and must be represented by counsel in federal cases. *See Pecarsky v. Galaxiworld.com Ltd.*, 249 F.3d 167,


172 (2d Cir. 2001) (finding that defendant corporation can only appear with counsel and cannot be represented *pro se* by its principal). Accordingly, it is hereby:

ORDERED that Defendant retain counsel and that Defendant's counsel file a notice of appearance by November 30, 2022.

IT IS FURTHER ORDERED that all deadlines in this case are stayed until after November 30, 2022.

SO ORDERED.

Dated: November 1, 2022
New York, New York


Vernon S. Broderick
United States District Judge